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Consideration of reports of States parties

List of issues in relation to the report submitted by Saudi Arabia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Addendum

Replies of Saudi Arabia to the list of issues*

[Date received: 13 June 2018]

* The present document is being issued without formal editing.

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Replies of the Kingdom of Saudi Arabia to the list of issues in relation to its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SAU/Q/1)

Introduction

1. The present document contains the replies and comments of the Kingdom of Saudi Arabia to the list of issues raised by the Committee on the Rights of the Child (CRC/C/OPAC/SAU/Q/1) in relation to the initial report of Saudi Arabia [1] under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.[2] Attention is drawn to the fact that various legislative and procedural measures have been taken with a view to promoting human rights, including those enshrined in the Convention on the Rights of the Child[3] and the Protocol. Those measures will be illustrated in the course of the replies to the issues raised, which are given in the same order as that in which they appear in the list.

Reply to paragraph 1

2. The Ministry of Defence and the Ministry of the Interior implement the Optional Protocol inasmuch as it falls within their remit, and the process of implementation is monitored by human rights departments within the two ministries. In that regard, guarantees have been put in place to prevent the compulsory or voluntary recruitment of children into the armed forces or the security forces, and to ensure compliance with laws governing entry into combat sectors. Those guarantees include the Enlistment Act, promulgated pursuant to Royal Decree No. M/9 of 24 Rabi' I A.H. 1397 (15 March A.D. 1977), article 4 of which states that "a candidate for military service must not be less than 17 years of age", and the Officers Act, also promulgated pursuant to Royal Decree No. M/9 of 24 Rabi' I A.H. 1397 (15 March A.D. 1977), article 4 of which states that an officer must "be at least 19 years of age". Moreover, article 8 of the Child Protection Act, promulgated pursuant to Royal Decree No. M/14 on 3 Safar A.H. 1436 (25 November 2014), prohibits the employment of children in activities that may harm their integrity or their physical or moral health, or their involvement in military activities or armed conflict. It should also be pointed out that article 1 of that Act defines a child as anyone who has not reached the age of 18.

3. The Human Rights Commission, in accordance with article 5 (3) of its statutes, monitors government departments in their application of the international human rights instruments to which Saudi Arabia has acceded and ensures that they take the measures necessary for the due implementation of those instruments. In that context, it not only monitors the implementation of the Protocol but also promotes the implementation process through training programmes and awareness-raising activities directed at commanding officers and enlisted soldiers in combat sectors, representatives of civil society organizations and other concerned parties. In addition, a standing committee to draft the country's reports to human rights treaty bodies, established pursuant to Royal Decree No. 13084 dated 27 Rabi' I A.H. 1436 (18 January A.D. 2015), also follows up on the implementation of the treaties and protocols to which Saudi Arabia is party. In the same way, it also follows up on the recommendations issued by the treaty bodies, including the Committee on the Rights of the Child. The Ministry of the Interior is also represented on the standing committee.

Reply to paragraph 2

4. Any international or regional instrument to which Saudi Arabia accedes, or which it has ratified, is considered to be part of domestic law and imposes the same level of legal

[1] Hereinafter "the report".
[2] Hereinafter "the Protocol".
[3] Hereinafter "the Convention".

obligation as national legislation. This is because the legal mechanism whereby laws are passed in Saudi Arabia is the same whereby the country accedes to or ratifies international instruments and treaties. According to article 70 of the Basic Law of Governance, "laws, international agreements, treaties and concessions shall be approved and amended by Royal Decree". This also applies to the Protocol, which is thus part of Saudi Arabian law.

5. Once Saudi Arabia acceded to the Optional Protocol, the text was published in the Official Gazette "Umm al-Qura", edition No. 4318 dated 13 August 2010, and it came into force and was disseminated to all competent departments. According to article 11 (1) of the Procedures for Contracting International Treaties, adopted by Decree of the Council of Ministers No. 287 on 14 Sha'ban A.H. 1431 (26 July A.D. 2010), when a treaty comes into force the competent authorities must take the measures necessary to implement it in such a way as to ensure that Saudi Arabia fulfils all its obligations under that treaty. Thus, the National Commission for Childhood began examining domestic laws to determine to what extent they were consistent with the Protocol. The Commission also drew the attention of competent government departments to the Optional Protocol in order for them to implement such of its provisions as concerned them.

6. Between 2013 and 2018, the Ministry of the Interior organized 62 human rights training courses for 1,470 participants, thereby helping to promote respect for human rights culture in security work. In addition the Ministry's General Security Directorate organized a number of lectures in various regions of the country to improve the human rights culture of security officials and their knowledge of the international instruments to which Saudi Arabia is a party, particularly the Optional Protocol on the involvement of children in armed conflict. The lectures were attended by around 1,500 persons.

7. During the year A.H. 1439 (A.D. 2018), the Ministry of the Interior organized 14 seminars on human rights and the international agreements to which Saudi Arabia has acceded, in which a total of 2,800 persons participated.

8. In addition to the information provided in paragraphs 14 and 38–40 of the report, since 2014–2015 the Human Rights Commission has, in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), organized more than 40 training activities to raise awareness about the Protocol and other international human rights instruments, the global mechanisms for their implementation and other similar subjects. The activities have been conducted pursuant to a memorandum of understanding between Saudi Arabia and OHCHR, ratified by Royal Decree No. M/31 of 27 Jumada I A.H. 1434 (8 April A.D. 2013). Participants have included judges, members of the Public Prosecutor's Office, lawyers, military officers and enlisted men, health-care workers, representatives of civil society organizations and others. In addition, the Ministry of Defence conducts programmes to train its staff in the principles of international humanitarian law.

9. During the visit of the team from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, between 2–4 Safar A.H. 1438 (22–24 October A.D. 2017), a training course was organized for members of the child protection unit and of the legal team.

Reply to paragraph 3

10. Saudi Arabia reiterates the information given in paragraph 24 of its report to the effect that its domestic laws work together to ensure that children are not involved in armed conflicts or harmful activities, and to give effect to the principle of the best interests of the child. In fact, according to article 4 of the Enlistment Act, "a candidate for military service must not be less than 17 years of age", while article 6 of the same Act states that "the individual shall remain on probation for one year from the date of appointment". From those two provisions it is clear that the minimum age at which a person can be involved in armed combat is 18, as no one can be involved in an armed conflict while on their period of probation, which the Act fixes at one year.

11. In addition, article 8 of the Child Protection Act prohibits the employment of children in activities that may harm their integrity or their physical or moral health, and their involvement in military activities or armed conflict. Article 8 (13) of the implementing

regulations of the Act, promulgated pursuant to Decree of the Minister of Social Affairs No. 56386 of 16 Jumada II A.H. 1436 (5 April A.D. 2015), states that all competent departments must prioritize protecting children's lives and ensure that they receive a safe and secure upbringing away from armed conflict; guarantee that children are not involved in combat operations; ensure that their rights are protected in emergencies, catastrophes, wars and armed conflicts; and take all measures necessary to prosecute and punish persons who violate children's rights through war crimes, genocide or crimes against humanity. Furthermore, according to article 8 (14) of the implementing regulations, the competent departments must take all possible practicable measures to ensure that persons under the age of 18 are not directly involved in war and to prohibit the recruitment of anyone under 18 into the armed forces or similar organizations.

Reply to paragraph 4

12. Although no domestic legal text specifically defines the recruitment of children under the age of 15 as a war crime, the recruitment of children is nonetheless criminalized and severely punished under the Child Protection Act. Article 2 of the Act states that its purpose is to reaffirm Islamic sharia and the international treaties to which Saudi Arabia is a party, while article 21 states that none of the provisions enshrined in the Act shall prejudice any provision affording better protection to children contained in any other law or international treaty to which Saudi Arabia is a party. The Act mandates the Office of the Public Prosecutor to conduct investigations and to bring cases before the competent court, which examines any infractions and hands down the appropriate penalty, in accordance with article 23 of the Act.

Reply to paragraph 5

13. Saudi Arabia can confirm that the Coalition to Support Legitimacy in Yemen abides by international humanitarian law and international human rights law, and that its military operations are fully consistent therewith. In fact, the Coalition forces not only avoid targeting civilians, particularly women and children, but they also seek to protect them from the crimes committed by the Houthi militias, which include indiscriminate attacks, killings, torture, forced displacement, blockade and the involvement of children in armed conflict. In addition, the Coalition to Support Legitimacy in Yemen has established strict rules of engagement that are consistent with the provisions of international humanitarian law. The most significant of these are:

- Military targets are identified via a multiphase process: the target is first selected then examined, drawing from various sources to ensure that it is a bona fide military target and to avoid introducing errors into the targeting mechanisms;
- A list of places that are off-limits and may not be targeted is being developed. It includes locations occupied by civilians, places of worship, the bases of international organizations and agencies, and cultural sites. The list, which is constantly updated, is disseminated among Coalition forces at all levels;
- A team of legal consultants is constantly on hand to work with the planning and targeting units, examining and approving proposed targets. This is to ensure that no site is targeted until after verifying its legitimacy in accordance with international humanitarian law;
- As a precautionary measure, warning leaflets are dropped in areas containing military targets before they are hit in order to ensure that no civilians are located near the target in question.

14. The Coalition to Support Legitimacy in Yemen has established an independent team to assess incidents and institute inquiries into any allegations concerning the targeting of civilians, civilian structures or humanitarian organizations during military operations. The team recently announced the outcome of its investigations into a number of allegations and presented its findings to the media. The Coalition to Support Legitimacy in Yemen also undertakes important aid operations. An evacuation and humanitarian operations unit has been set up, which works in coordination with international organizations to alleviate the suffering of the Yemini people, provide them with necessities such as food and medicines,

and coordinate the movement of humanitarian convoys to ensure their safety during military operations. It carries out its operations in close coordination with the legitimate authorities of Yemen. The King Salman Humanitarian Aid and Relief Centre is also active in that regard, as will be explained below.

Reply to paragraph 6

15. The forces of the Coalition to Support Legitimacy in Yemen have detained large numbers of combatants from the Houthi militias and the armed groups that support them, including a number of children ranging in age from 8 to 17. Saudi Arabia has treated those persons on the basis of its own human rights laws, the Convention and the Protocol. This includes protecting them, rehabilitating them and taking steps to prevent their further involvement in armed conflicts. The children have been handed over to the legitimate authorities of Yemen under the supervision of representatives from national, regional and international agencies, including the International Committee of the Red Cross (ICRC).

16. On 1 Ramadan A.H. 1437 (6 June A.D. 2016), 52 children who had been involved in combat operations with the Houthi militias were handed over to a representative of the legitimate authorities of Yemen in the presence of delegates from ICRC and the Saudi Red Crescent Authority. On 5 Jumada I A.H. 1439 (22 January A.D. 2018), a further 27 children who had been involved in combat operations with the Houthi militias were handed over to a representative of the legitimate authorities of Yemen in the presence of delegates from ICRC, the Saudi Red Crescent Authority and the Human Rights Commission, as well as the head of the child protection unit of the Coalition to Support Legitimacy in Yemen.

17. On 3 Ramadan A.H. 1439 (19 May A.D. 2018), a girl named Jamila who had been used by her father as a human shield on the battlefield was handed over to a representative of the legitimate authorities of Yemen in the presence of delegates from ICRC and the Saudi Red Crescent Authority, as well as the head of the child protection unit.

18. The handover of the children was monitored by the child protection unit set up by the Coalition to Support Legitimacy in Yemen, and the legitimate authorities of Yemen confirmed that the children had been returned to their families.

Reply to paragraph 7

19. The child protection unit set up by the Coalition to Support Legitimacy in Yemen protects the rights of children, meets their needs and provides education in the areas affected by the conflict. In that regard, it works in coordination with the Coalition military forces and partners, relevant United Nations mechanisms, the evacuation and humanitarian operations unit, the King Salman Humanitarian Aid and Relief Centre and non-governmental organizations (NGOs). Its tasks include averting danger or risk by taking steps to protect children's lives, raising awareness about children's rights among families and the children themselves, receiving and analysing reports then taking the necessary procedures and ensuring that rules of engagement are respected vis-à-vis the protection of children.

Reply to paragraph 8

20. As was stated in paragraph 52 of the report, the children in question have been handed over to the legitimate authorities of Yemen. Saudi Arabia did not, in fact, detain the children but gave them shelter and assistance with a view to rehabilitating and reintegrating them into society. With regard to their legal status, they were treated as lost or unaccompanied children who were to be reunited with their families via the legitimate authorities of Yemen, and Saudi legal custody over the children ended when they were handed back to the authorities of their own country. The handover operation was monitored by the child protection unit of the Coalition to Support Legitimacy in Yemen which verified that they had been returned to the families via the legitimate authorities of Yemen.

Reply to paragraph 9

21. The King Salman Humanitarian Aid and Relief Centre operates across various humanitarian sectors, including that of "protection" under which it protects women,

children and older persons, who are considered to be the categories most at risk. In partnership with a civil society organization, the Centre is running a project for child soldiers, the aim being to rehabilitate minors who have been involved in or affected by the conflict. The project, which seeks to assist 2,000 children, involves the following:

- Establishing a children's rehabilitation centre in the governorate of Ma'rib;
- Determining the needs of the children (medical care, physiotherapy);
- Providing psychological rehabilitation for 160 youngsters who have been victims of the conflict and of child recruitment;
- Reintegrating children into society by means of field trips and enrolling them in educational centres and schools;
- Raising awareness among families of child soldiers about the dangers of child recruitment and about creating a welcoming family atmosphere; also, running training courses on the prevention of violence, injury and disability;
- Providing financial assistance to the families of the children in order to provide them with a regular source of income;
- Involving the families in other programmes run by the Centre such as "food security and health".

22. It should be pointed out that the Centre has plans to expand its protection and rehabilitation programmes for children and mothers. In that regard it is coordinating with the United Nations Children's Fund (UNICEF) which is one of the Centre's strategic partners.

Reply to paragraph 10

23. Saudi Arabia cooperates with all United Nations agencies and mechanisms including the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. In that connection, the child protection unit of the Coalition to Support Legitimacy in Yemen has participated in a number of United Nations conferences, and the head of the unit has met with the Special Representative, who welcomed the fact that the Coalition had set up a child protection unit.

24. A team from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict visited Saudi Arabia on 2–4 Safar A.H. 1438 (22–24 October A.D. 2017). It met with a number of officials and commanders, including the commander of the joint forces involved in the "Restore Hope" operation, the supervisor of the King Salman Humanitarian Aid and Relief Centre, the director of military civilian operations at the command centre of the joint forces involved in the "Restore Hope" operation, the director of the incident assessment team and the head of the child protection unit.

Reply to paragraph 11

25. Saudi laws prevent the unlawful sale of arms and other forms of military assistance. The Arms and Ammunition Act, promulgated pursuant to Royal Decree No. M/45 of 25 Rajab A.H. 1426 (30 August A.D. 2005), expressly criminalizes and prohibits the possession of or trade in arms of any kind or calibre. Under the Act, no one other than the competent government departments may manufacture, import, purchase, export, sell, possess, handle, procure or repair arms, ammunition, related equipment or spare parts. The Act includes provision for penalties and fines against anyone attempting to smuggle weapons, parts of weapons or ammunition into the country, or who manufactures, collects, purchases, buys, possesses or modifies arms. Penalties include imprisonment for up to 20 years and fines of up to SRI 200,000 (US$ 53,000). Moreover, the Terrorism and Financing of Terrorism Act, promulgated pursuant to Royal Decree No. M/21 of 12 Safar A.H. 1439 (1 November A.D. 2017), criminalizes the act of supplying any terrorist organization or individual terrorist with arms; ammunition; explosives; nuclear, chemical, biological or radioactive materials; poisons or incendiary devices. It likewise prohibits the traffic, manufacture, development, collection, preparation, importation or possession of such material or of any substances or devices used in their production or preparation, and it bans

their transportation via the postal system or any other means of public or private transportation, or any other means, for the purpose of committing any of the offences stipulated in the Act.

26. Saudi Arabia abides by all the human rights treaties to which it is a party and it always takes account of its obligations under those treaties when concluding agreements, memorandums or other instruments of military or economic cooperation with other States.